

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-4, 6, 8-10 and 12-23 are rejected under 35 U.S.C. 102(b) over the U.S. patent application publication to Ege, et al.

Claims 1, 4, 8-11, 13-14, 17-18, 21 and 23 are rejected under 35 U.S.C. 102(b) over the U.S. patent to Cuneo.

At the same time, the previous Amendment and the claims are objected to and the claims are also rejected under 35 U.S.C. 112.

In connection with the Examiner's formal objections and rejections, applicants amended the specification and the claims in compliance with the Examiner's requirements. It is believed that the Examiner's grounds for the formal objections and rejections should be considered as no longer tenable and should be withdrawn.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants amended claim 1, the broadest claim on file, so as to more clearly define the present invention and to distinguish it from the prior art.

It is respectfully submitted that the new features of the present invention which are now defined in the amended claim 1 clearly and patentably distinguish the present invention from the cited prior art.

In the suction device as defined now in the amended claim 1 the term "suction head" can not read on the entire "suction device" as shown in the patents to Ege, et al or Cuneo, since the "suction head with integrated dust container" must be "displaceable relative to the housing", and at the same time it is supported on the housing by the bearing unit.

This is incompatible with the "broadest reasonable interpretation" of the "suction head" which was applied by the Examiner in his rejection of the claims.

It should be noted that the "bearing unit" and "suction duct" are recited separately from the suction head and they respectively support and direct air flow away from the suction head.

Claim 1 also recites a "suction duct" which directs air flow from the suction head into the housing. This feature is not disclosed either in BE 1009324A to Aquier or in U.S. patent to Loevenich, both of which have been pointed out by the Examiner as relevant prior art.

The support for the amendments to claim 1 can be found on page 3, lines 16-25.

It is therefore believed to be clear that the new features of the present invention which are now defined in the amended claim 1 are not disclosed in the references applied by the Examiner against the original claims.

The original claims were rejected by the Examiner as anticipated by the references. As explained herein above, these references do not disclose the new features of the present invention as defined in the amended claim 1. In connection with this it is believed to be advisable to cite the decision in re Lindenman Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the references do not disclose devices which have every element of the device of the present invention.

It is therefore believed that the rejection of original claim 1 as being anticipated by the references should be considered as not tenable and should be withdrawn.

Applicants also amended claim 10 in response to the Examiner's interpretation that "an infinite number of various dimensions" can be selected, during the design process. It is defined now in claim 10 that the various dimensions can be selected for the opening by selecting from replaceable portions of the suction head that have different dimensions. The support for this feature can be found on page 8, lines 20-23 (see also Figures 5 and 6).

Applicants have also added claims 24-26, and the support for these claims can be found on page 8, lines 6-14 (see also Figures 1 and 2).

These claims clearly and patentably distinguish the present invention from the prior art not only because they depend on the presumably allowable claim 1, but also because they contain the patentable subject matter per se.

As for the other claims, these claims depend on claim 1, they share its presumably allowable features, and therefore they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal

respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
Attorney for Applicant
Reg. No. 27233